REMARKS

Claims 1-5, 7, 8 and 11-17 have been rejected as unpatentable over Gilder et al. (2002/0144404) in view of Gilder (US Patent No. 6,212,777), and claim 6 is rejected as unpatentable over these references further in view of Trotta. These rejections are respectfully traversed.

Applicant maintains the positions taken in Applicant's previous response, but will not reiterate them here, in the interest of brevity. Applicant will, however, address particular statements of the Examiner regarding blade length.

The Examiner acknowledges that the cited references do not teach or suggest a shaving razor in which the blades (28) have a blade length (LB) extending rearward from the cutting edge (408) that is less than 1 mm. However, the Examiner asserts that "to select a certain range such as less than 1 mm for the blade length of the '404 reference would have been obvious to one having ordinary skill in the art, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art." The Examiner cites In re Aller, 105 USPQ 233, in support of this assertion. Applicant respectfully notes that in In re Yates, 663, F.2d 1054, 1056 (CCPA 1981), the court expresed a concern with using In re Aller to support such a broad proposition:

> The problem, however, with such "rules of patentability" (and the ever-lengthening list of exceptions which they engender) is that they tend to becloud the ultimate legal issue – obviousness – and exalt the formal exercise of squeezing new factual situations into preestablished pigeonholes. Additionally, the emphasis upon routine experimentation is contrary to the last sentence of section 103.

The proper test for non-obviousness is whether the differences between the subject matter and the prior art are such that the claimed subject matter as a whole would have been obvious to a person having ordinary skill in the art to which the subject matter pertains, as explained in Graham v. John Deere and Co., 383 U.S. 1 (1966).

Applicant respectfully submits that it would not have been obvious to the artisan to provide a thin blade, having a blade length of less than 1 mm. The only statement by the

Examiner in support of his conclusion of obviousness is that "since the inter-blade span is at the above constant value (i.e., 1.11 mm), it is obvious that the blade length thereof is about or less than 1.11 mm." This contention is not correct. Depending on the angle at which the blade is positioned, the blades could have a length greater than 1.11 mm while still maintaining the inter-blade span of 1.11 mm.

Nor is in In re Aller on point with regard to its facts. In In re Aller, the cited reference described a single experiment that would have invited further optimization (according to the Board, "any one in possession of the information presented by Hock et al. would naturally experiment to discover optimum conditions of temperature and concentration of acid for commercial exploitation of the process.") In contrast, in the present case there is nothing whatsoever in the art of record that would have led the artisan to believe that the Gilder razor required further optimization in any respect, much less with respect to the blade length.

In view of the above remarks, as well as the remarks made in Applicant's previous response, Applicant respectfully submits that the claims are patentable over the art of record.

It is believed that no fees are due with this response. Please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 00216-624001.

Respectfully submitted,

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/Celia H. Leber/
Celia H. Leber
Reg. No. 33,524

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906